

ATTACHMENTS TO SPECIAL REPORT OF DEFENDANT BRETT HOLMES

1. Affidavit of Brett Holmes
2. Certified Copies of Covington County Court Files
3. Oral Sworn Statement of Timothy Bernard Edwards

1. AFFIDAVIT OF BRETT HOLMES

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

TIMOTHY BERNARD EDWARD
PLAINTIFF,

v.

ANTHONY CLARK and BRETT HOLMES,
DEFENDANTS.

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2:06-CV-298-MHT

AFFIDAVIT OF BRETT HOLMES

Comes now the affiant, under oath, and says as follows:

1. My name is Brett Holmes. I am a resident citizen of the State of Alabama, and am over the age of nineteen years. The following statements are based upon my personal knowledge.
2. I am currently a Narcotics Investigator with the Opp Police Department.
3. I am currently assigned to the 22d Judicial Circuit Drug Task Force of Covington County.
4. I have held this position for the past three years.
5. Prior to this job I was a Deputy with the Covington County Sheriffs Department for approximately three years.
6. I am a graduate from the Southwest Alabama Police Academy.
7. I am certified as a peace officer by the Alabama Peace Officers Standards and Training Commission.

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8. I have received training in marijuana and cocaine recognition.

9. I have received training in use of force.

10. I have been involved in hundreds of investigations involving both cocaine and marijuana.

11. I am empowered by the laws of Alabama to execute warrants and to arrest and to take into custody persons who violate, or who are lawfully charged by warrant, indictment, or other lawful process, with violations of, the criminal laws of Alabama.

12. On March 15, 2006, I received information from a confidential informant regarding Timothy Bernard Edwards.

13. The informant had previously provided truthful, correct, and reliable information that had led to an arrest.

14. The information I received was that Timothy Bernard Edwards was in possession of cocaine, crack cocaine, and marijuana. The informant stated that the informant had been inside the residence of Timothy Edwards and Ramona Denise Womack at Lot #23 Lunsford Trailer Park in Opp, Alabama. The informant stated that while inside the residence the informant saw approximately 30 ounces of crack cocaine in the kitchen to the left of the kitchen sink. The informant also described seeing about one-half of a kilo of cocaine hydrochloride in the kitchen to the right of the kitchen sink. The informant also stated that Timothy Edwards was "cooking" crack cocaine inside the residence. The informant also described seeing about 10 pounds of marijuana separated into one pound plastic bags in the kitchen on the kitchen table. The informant also claimed to have, on several occasions, witnessed Timothy Edwards receive stolen property in return for drugs. The informant also described seeing two handguns in the residence.

One of the guns was consistent with a handgun reported stolen to the Covington County Sheriffs Department.

15. With this information, I drafted an Application and Affidavit for Search Warrant and presented it to the court, specifically to Judge Frank L. McGuire III.

16. On March 15, 2006, a search warrant was issued.

17. On March 22, 2006, before the warrant was executed but less than ten (10) days from the date it was issued, Opp Police Investigator Mark Kyser arrested a burglary suspect. When the suspect brought up Timothy Edwards, Investigator Kyser contacted me so I could hear what the suspect had to say.

18. The suspect stated that after selling a stolen weapon at a local pawn shop, he obtained cash and made contact with Timothy Edwards. The suspect then obtained one hundred dollars worth of powdered cocaine at Lot# 23 Lunsford Trailer Park in Opp, Alabama. While at the residence, the suspect saw a large amount of cocaine inside the mobile home on a kitchen counter next to the sink. The suspect further stated that that the suspect had seen cocaine in the trailer on many occasions and that Timothy Edwards also manufactures crack cocaine at the above listed mobile home.

19. With this information, a supplement to the Application and Affidavit for Search Warrant was completed and presented to Judge McGuire who signed it.

20. That same day, the search warrant was executed by me and other Drug Task Force Agents.

21. When executing the warrant, we first attempted to secure the residence by moving the individuals who were in house out into the front yard. Once this was done, individuals that were in the front yard stated that Timothy Bernard Edwards was still in the house.

22. Timothy Bernard Edwards was discovered face down, on his stomach, hiding under a bed in a back bedroom.

23. When Edwards was discovered, a gun was also very near him. He was not holding the weapon, but, based upon my training and experience, the weapon was close enough to him that he could have easily grabbed it.

24. In the interest of officer safety, he was quickly dragged out of reach of the weapon. He was not dragged completely out of the room. I did not measure how far he was dragged, but I estimate that it was only a few feet. Again, the only reason for this was to insure that he was out of reach of the weapon.

25. No other force was used to arrest Timothy Bernard Edwards.

26. I never struck Timothy Bernard Edwards in the face, the back, or any other part of his body. I never observed any other officer strike Timothy Bernard Edwards in the face, the back, or any other part of his body. I have no knowledge of anyone striking Timothy Bernard Edwards in the face, the back, or any other part of his body.

27. If he received any scratch or carpet burn from being dragged out of reach of the weapon, it was not visible to me, it was not brought to my attention, and I never heard him complain of such.

28. The arrest did not cause any visible injury to Timothy Bernard Edwards. At the time of the arrest and following, Timothy Bernard Edwards was conscious, he had no difficulty

breathing, he was fully capable of walking, and he showed no signs of bleeding, trauma, wounds, or illness.

29. The search resulted in the recover cocaine and crack cocaine with a field weight of about 30 grams, marijuana, and drug paraphernalia including digital scales, cups and items used to manufacture crack cocaine. Additionally, several plastic bags commonly used to distribute drugs were found. Additionally, it was clear that cocaine was being actively converting into crack cocaine when the search was executed.

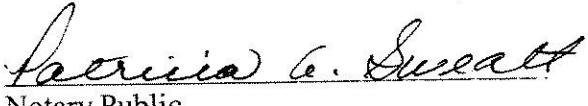
Further affiant sayeth not.

Dated this the 14 day of July, 2006.


Brett Holmes

STATE OF ALABAMA
COUNTY OF Covington

Sworn and subscribed before me this the 14 day of July, 2006.


Patricia C. Sweat
Notary Public
My Commission Expires: 1-29-09